

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JAMES HILL, Register No. 164548,)	
)	
Plaintiff,)	
)	
v.)	No. 04-4298-CV-C-NKL
)	
DAVE DORMIRE,)	
)	
Defendant.)	

ORDER

On February 2, 2006, the United States Magistrate Judge recommended that defendant Dormire's motion for summary judgment be granted and plaintiff's claims be dismissed. The Magistrate Judge further recommended that plaintiff's motion for declaratory judgment be denied. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on February 16, 2006. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$255.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's February 2, 2006, Report and Recommendation is adopted [29]. It is further

ORDERED that plaintiff's motion for declaratory judgment is denied [22]. It is further

ORDERED that defendant Dormire's motion for summary judgment is granted and plaintiff's claims are dismissed [23].

/s/

NANETTE K. LAUGHREY
United States District Judge

Dated: March 22, 2006
Jefferson City, Missouri